



CITY OF LODI  
COUNCIL COMMUNICATION

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**AGENDA TITLE:** Council discussion and appropriate action regarding a proposed Amended and Restated Contract for Legal Document Services (Docket Clerk) with Kronick, Moskovitz, Tiedemann & Girard to assist with the Environmental Abatement Program litigation and/or propose alternatives

**MEETING DATE:** August 18, 2004 City Council Meeting

**PREPARED BY:** Steve Schwabauer, City Attorney

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**RECOMMENDED ACTION:** That the City Council review, discuss and take appropriate action regarding a proposed Amended and Restated Contract for Legal Document Services (Docket Clerk) with Kronick, Moskovitz, Tiedemann & Girard ("Kronick") to assist with the Environmental Abatement Program litigation and/or propose alternatives.

**BACKGROUND INFORMATION:** With the hiring of the law firm of Folger, Levin & Kahn to act as counsel handling the Environmental Abatement litigation, Kronick, Moskovitz, Tiedemann & Girard are in the transition mode of turning over cases to the new firm. As you will recall, the Kronick firm allowed us to utilize one of their Docket Clerks to manage the flow of legal documents because it is imperative that all documents be docketed and accounted for to be easily accessible. Kronick previously charged us a very reasonable rate of \$24.00 per hour plus travel expenses. Since Kronick is no longer acting as lead counsel in the environmental abatement litigation, and the original amount of \$5,000 dedicated for the expense of a Docket Clerk is expired, Kronick has prepared an Amended and Restated Contract at a rate of \$50.00 per hour.

In the past, the Envision Law Group kept track of files in their office electronically and manually and it was not necessary that the City's legal secretary log in each and every document. Now that the City Attorney's office will be monitoring all actions relating to this litigation, it is important that documents be easily accessible in the City Attorney's office. Staff therefore requests discussion and consideration of this amended contract, and any available alternatives. Although I do believe Kronick's proposed rate is fair and that the Docket Clerk they supplied is highly competent and professional, I cannot recommend approval of the revised contract at the proposed rate given current budget considerations. Instead, I recommend authorizing the City Attorney's office renegotiate the existing contract with a maximum average workweek of 8 hours.

A handwritten signature of Stephen Schwabauer in black ink.  
Stephen Schwabauer, City Attorney

**FUNDING:** Water Fund 183453.7323

Approved:

A handwritten signature of Jim Krueger in black ink.  
Jim Krueger, Finance Director

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APPROVED:

Janet Keeter, Interim City Manager

RESOLUTION NO. 2004-166

A RESOLUTION OF THE LODI CITY COUNCIL AUTHORIZING  
THE CITY ATTORNEY'S OFFICE TO CONTINUE ITS CONTRACT  
FOR LEGAL DOCUMENT SERVICES WITH KRONICK, MOSKOVITZ,  
TIEDEMANN & GIRARD AND FURTHER AUTHORIZING THE CITY  
ATTORNEY TO HIRE AN INDEPENDENT CONTRACTOR AT  
A LESSER RATE, IF POSSIBLE

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NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council hereby authorizes the City Attorney to execute an Amended and Restated Contract between the City of Lodi and Kronick, Moskovitz, Tiedemann & Girard for legal document services (docket clerk) at a rate of \$50.00 per hour effective August 4, 2004; and

BE IT FURTHER RESOLVED that this position will be funded from the Water/Wastewater funds; and

BE IT FURTHER RESOLVED that the City Attorney is further authorized to hire an independent contractor at a lesser rate, if possible.

Dated: August 18, 2004

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I hereby certify that Resolution No. 2004-166 was passed and adopted by the Lodi City Council in a regular meeting held August 18, 2004, by the following vote:

AYES: COUNCIL MEMBERS – Beckman, Hitchcock, Howard, Land, and Mayor Hansen

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None



SUSAN J. BLACKSTON  
City Clerk